

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
v.  
  
ZACHARIAH A. HAMSTRA,  
  
Defendant.

Case No. 6:24-po-00415-HBK-1

ORDER GRANTING MOTION TO PERMIT  
DEFENDANT TO FORFEIT COLLATERAL

(Doc. No. 7)

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

(Doc. No. 6)

Pending before the Court is the government's<sup>1</sup> motion to permit Defendant to forfeit collateral in lieu of appearance filed on October 28, 2024. (Doc. No. 7). On May 29, 2024, Defendant was issued Violation No. E2069956 (charging Defendant with violating 36 C.F.R. § 2.34(a)(4), creates or maintains a hazardous or physically offensive condition). (Doc. No. 1). The Violation Notice was marked as requiring Defendant's mandatory appearance, although the cited offense may be issued as a bailable offense, which affords a defendant to post collateral

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<sup>1</sup> The motion was jointly filed by the government and the Federal Public Defender. Although defendant filed a Financial Affidavit (Doc. No. 5), which the Court construes as a motion seeking appointment of counsel (Doc. No. 6), the Court did not appoint counsel for defendant. Further, the Court does not find that the interests of justice warrant appointment of counsel, even if Defendant was deemed financially eligible. *See generally*, General Order 663.V.A.3; *see also United States v. Tobey*, 2020 WL 1451590, \*3 (E.D. Cal. Mar. 24, 2020); (citing *Scott v. Illinois*, 440 U.S. 367, 73-74 (1979) (holding that appointment of counsel is not required for an indigent defendant when imprisonment upon conviction is authorized but not imposed)). Here the government seeks and the Court permits Defendant to pay a fine.

1 instead of making an initial appearance. The government seeks to convert the Violation Notice to  
2 a bailable offense, which Defendant agrees to pay.

3 Accordingly, it is ORDERED:

- 4 1. The government's motion to permit Defendant to forfeit collateral in lieu of  
5 appearance (Doc. No. 7) is GRANTED to the extent set forth herein.
- 6 2. The Clerk shall convert Violation No. E2069956 (charging Defendant with violating  
7 36 C.F.R. § 2.34(a)(4), creates or maintains a hazardous or physically offensive  
8 condition) to a bailable citation with a fine of \$500 plus a \$30 processing for a total  
9 amount of \$530.
- 10 3. Defendant **shall have forty-five (45) days** to forfeit the collateral fine on Violation  
11 No. E2069956 to the Central Violation Bureau.
- 12 4. If Defendant fails to timely make payment, Defendant must personally appear at his  
13 continued Initial Appearance scheduled for Tuesday, January 14, 2024 at 1:00 P.M. in  
14 Fresno, Courtroom 2. Defendant's failure to appear will result in a bench warrant  
15 issued for his arrest.
- 16 5. Upon notice by the Central Violation Bureau of receipt of full payment, the Clerk shall  
17 vacate the January 14, 2025 Initial Appearance and CLOSE this case.
- 18 6. The Court DENIES Defendant's construed motion for appointment of counsel (Doc.  
19 No. 6) for the reasons stated herein.

20  
21 Dated: November 8, 2024

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE